

FILED
at _____ O'clock & _____ min _____ M
OCT 27 2005 S A
THERESE BUTHOD, CLERK
United States Bankruptcy Court
Eastern District of Oklahoma

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE: _____)
_____) General Order No. 52
WAIVER OF FILING FEES _____)

ORDER REGARDING WAIVER OF FILING FEES

Pursuant to Title 28 U.S.C. § 1930, the court may waive filing fees in a case under Chapter 7. This court will waive fees only under very limited circumstances.

If a debtor cannot afford to pay the full fee at the time of filing the petition, the debtor may apply to pay the fee in installments. Prior to October 17, 2005 a debtor was not allowed to pay a filing fee in installments if they had hired an attorney. Federal Rules of Bankruptcy Procedure 1006 (b) (1) has now deleted the language regarding the inability to pay in installments if a debtor has paid an attorney or other person in connection with the case. This restriction no longer applies; however, the debtor must certify that they will not make any additional payment or transfer any additional property to an attorney or other person for services in connection with the case until the filing fee is paid in full.

If the debtor cannot afford to pay the fee either in full at the time of the filing of the petition, or in installments, then the debtor may request a waiver of the filing fee by completing official form B3b and filing with the Clerk of the Court. The Judge may waive the fee only if the debtor's income level is less than 150 per cent of the poverty line applicable to the family size of the debtor and the debtor is unable to pay the fee in installments.

This court shall not grant waivers of filing fees if an individual is represented by a paid attorney. Representation by an attorney acting pro bono or a legal service attorney that does not charge the debtor will not preclude payment waivers.


The waiver of the filing fee is subject to review and the court's ruling waiving the fee may be vacated if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

If the filing fee of an individual Chapter 7 debtor is waived and that debtor's case is later converted to a case under Chapter 13, the debtor must pay the full Chapter 13 filing fee. The conversion order will give the debtor time in which to either pay the filing fee in full or begin making installment payments.

If an application for filing fee waiver is denied, the order will direct that the debtor either pay the filing fee in full or pay the fee in installments as outlined in the order.

The waiver of filing fees in this case relates only to the initial filing fee of a Chapter 7 case. Such waiver will not affect the requirement to pay filing fees for amended schedules and amended matrixes, nor will it affect the requirement to pay for filing fees for appeals.

IT IS SO ORDERED this 27th day of October, 2005.



Tom R. Cornish
United States Bankruptcy Judge